

**Remarks:**

**I. Introduction**

In the Office Action mailed on April 18, 2008, the Examiner rejected claims 1 to 7, 10 to 14, and 17 to 20. The present amendment cancels no claims, amends claims 1, 4, 5, 7, 10, 11, 13, 14, and 17 to 20, and adds no new claims. Accordingly, claims 1 to 7, 10 to 14, and 17 to 20 remain pending in this application.

**II. Claim Rejections Based on 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 2, 10, 11, 17, 18, and 20 under 35. U.S.C. § 102(b) as unpatentable over Matsumoto (US 5,793,007).

Independent claim 1 requires “a fixed support comprised of plastic”. Matsumoto has a base bracket (24) of unidentified material. Independent claim 1 requires “wherein said switch includes a blade comprised of an electrically conductive material and directly secured to said fixed support” and “wherein said switch includes a terminal comprised of an electrically conductive material and directly secured to said fixed support”. Matsumoto includes a switch (56) having a switch plate (110) and a contact plate (110) both located within a switch cover (56b) which is secured to the base bracket (24) in an undisclosed manner. Independent claim 1 requires “wherein said switch is located near a mounting hole formed in the fixed support which receives a fastener to secure the fixed support to the motor vehicle”. Matsumoto has the switch (56) secured to the base bracket (24) but does not identify how the base bracket (24) is secured to the motor vehicle and does not even show any mounting holes or fasteners for securing the base bracket (24) to the motor vehicle. Independent claim 1 requires “wherein said switch extends to the mounting hole to contact the fastener in the mounting hole to connect the switch to ground.” Matsumoto states that the switch case (56b) is grounded at an appropriate location and vehicle mounting holes are not disclosed or discussed. Independent claim 1 requires “wherein said blade is spaced-apart from said terminal to open an electric circuit including the fastener when the lever is in the brake-releasing position and wherein said blade is in direct electrical contact with said terminal to close the electric circuit including the fastener when the lever is in the brake-engaging position”. Matsumoto has a switch plate (110) and a contact plate (110) both located within the switch cover (56b) which are separated and engaged to open and close an electric circuit. As discussed previously, the leaf spring (52) and its fastener (54) of Matsumoto is not a part of the switch (56) and is not part of the electrical circuit of the switch

(56). Note that FIG. 2 illustrates the electrical circuit of the switch (56) and does not include the leaf spring (52) or its fastener (54).

Independent claim 1, 11, and 18, and claims dependent therefrom, are allowable. No prior art of record discloses or reasonably suggests the present invention as defined by independent claims 1, 11, and 18. Reconsideration and withdrawal of the rejection is requested.

### **III. Claim Rejections Based on 35 U.S.C. § 103(a)**

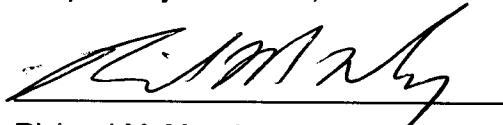
The Examiner rejected claims 3 to 7, 12 to 14, 17, and 19 under 35. U.S.C. § 103(a) as unpatentable over Matsumoto (US 5,793,007) in view of Schantz et al. (US 4,230,919).

Dependent claims 3 to 7, 12 to 14, 17 and 19 are allowable as depending from allowable independent claims 1, 11 and 18 as discussed as discussed above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

### **IV. CONCLUSION**

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,



Richard M. Mescher  
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 227-2026  
Fax: (614) 227-2100

May 23, 2008

Re. Application Number 10/815,085

Page 7 of 7 pages